

CHAPTER XCIX.

An Act authorizing the person in charge of the Capitol and Capitol Grounds and State Cemetery, under act of April 29, 1874, to contract for the necessary piping and fixtures for gas light throughout the Capitol and Governor's Mansion, and making an appropriation therefor.

SECTION 1. *Be it enacted [by] the Legislature of the State of Texas,* That the Superintendent of Public Buildings be and is hereby authorized and instructed to enter into a contract, within fifteen days after the passage of this act, with solvent and responsible parties to furnish and lay piping throughout the Capitol and Governor's Mansion, and to arrange fixtures in said buildings, for the purpose of having the same well lighted with gas.

SEC. 2. That said contract shall be made with the lowest responsible bidder, after giving public notice that for ten days that said contract is open to bidders.

SEC. 3. That the sum of three thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry out the provisions of this act.

SEC. 4. That this act take effect from its passage.

Approved March 13th, 1875.

CHAPTER C.

An Act regulating the incorporation of cities of one thousand inhabitants or over, and to provide for the substitution and repeal of all acts heretofore passed incorporating said cities which may be in force by virtue of any existing charter.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That any city within the limits of this State, containing one thousand inhabitants or over, may accept the provisions of this act, in lieu of any existing charter, by a two-thirds vote of the city council of such city, which action by the city council shall be held at a regular meeting thereof, and entered upon the journal of their proceedings, and a copy of the same signed by the mayor and attested by the city clerk or secretary, under the corporate seal, filed and recorded in the office of the

clerk of the district court of the county in which such city is situated ; and the provisions of this act shall be in force, and all acts heretofore passed incorporating such city, which may be in force by virtue of any existing charter, shall be repealed from and after the filing of the said copy of their proceedings as aforesaid.

CHAPTER I—GENERAL POWERS AND DUTIES.

SECTION 1a. That all the inhabitants of each city so accepting the provisions of this act shall continue to be a body corporate, with perpetual succession by the name and style by which such city was known before the acceptance of the provisions of this act, and as such they and their successors by that name shall have, exercise and enjoy all the rights, immunities, powers, privileges and franchises possessed and enjoyed by said city at the time of the acceptance of the provisions of this act, and those herein granted and conferred, and shall be subject to all the duties and obligations pertaining to, or incumbent on said city as a corporation, at the time of the acceptance of the provisions of this act, and may ordain and establish such acts, laws, regulations and ordinances, not inconsistent with the Constitution and laws of this State, as shall be needful for the government, interest, welfare and good order of said body politic, and under the same name shall be known in law, and be capable of contracting and being contracted with, suing and being sued, impleading and being impleaded, answering and being answered unto in all courts and places, and in all matters whatever ; may take, hold and purchase, lease, grant and convey such real and personal or mixed property or estate, as the purposes of the corporation may require, within or without the limits thereof ; and may make, have and use a corporate seal, and change and renew the same at pleasure.

SEC. 2. That the bounds and limits of said city shall be and remain the same as fixed and defined by the provisions of the act of incorporation, substituted by the provisions of this act ; *provided*, that said limits of said corporation may be hereafter extended by adding additional territory to the same whenever the majority of the qualified electors of said territory shall indicate a desire to be included within the limits of said corporation.

CHAPTER II—OFFICERS AND THEIR ELECTION.

SEC. 3. The municipal government of the city shall consist of a city council, composed of the Mayor and two Aldermen from each ward, a majority of whom shall constitute a quorum for the transaction of business, except at called meetings, or meetings for the imposition of taxes, when two-thirds of a full board shall be required, unless herein otherwise specified. The other officers of the corporation shall be a Treasurer, an Assessor and Collector, a Secretary, a City Attorney, a Marshal, and City Engineer, and such other officers and agents as the city council may from time to time direct. The above named officers shall be elected by the qualified electors of said city, as hereinafter provided for, and shall hold their offices for two years, and until the election and qualification of their successors.

SEC. 4. An election shall be held in each of the wards of said city, on the first Tuesday in April next after the acceptance of this act, and annually thereafter at such place or places as the city council may direct, and of which thirty days' previous notice shall be given by publication in one or more newspapers of said city. Said election shall be ordered by the city council, and in case of their failure to order the same, the mayor of the city may make such order. For the purpose of holding said election, and others ordered, the city council shall appoint annually, in May or earlier, in each ward, some competent and suitable person who shall be the presiding officer at all elections held in his ward. The presiding officer of each ward shall appoint two judges and two clerks, who together with the presiding officer shall be managers of elections. The presiding officer and judges must be qualified voters in the city. The city council shall provide for their compensation, and by ordinance regulate and define their powers and duties. The mayor, whenever an election is ordered, shall give the required notice, and issue to the presiding officers a writ of election; and every published notice of election shall state the officer or officers to be elected, the place where the election will be held, and the name of the presiding officer thereat. In case the officer so appointed is unable, fails, refuses, or neglects to act, the mayor shall make another appointment; and in case no appointed presiding officer appears to open the polls, the qualified electors may appoint such officer, who shall perform the same duties and

have like power and authority to act as a first appointee ; but in such case, the managers, in their returns, or otherwise, shall certify that the presiding officer failed to attend, or neglected to act, and that the person acting as such was duly chosen by the electors present.

SEC. 5. At the first election under this charter, there shall be elected by the qualified voters of said city, voting by ballot, a mayor, who shall hold his office for one year from the date of said election, and until his successor shall be elected and qualified ; and at said first election under this charter, there shall be elected by the qualified voters of each ward respectively, two aldermen, one of whom shall hold his office for one year, and the other for two years, from the date of their election, the term for which each holds his office shall be determined at the first regular meeting after said election, by lot ; *provided*, that there shall be one alderman for the long term and one for the short term, from each of the wards respectively ; and *provided, further*, that at each annual election thereafter, there shall be elected one alderman from each ward, who shall hold his office for two years, and until his successor is duly elected and qualified.

SEC. 6. At all elections under this charter, the ballots of each ward shall be taken separately, the polls being opened in each ward for one day only, from 8 o'clock A. M. until 3 o'clock P. M., with the privilege of a recess of one hour from 12 to 1 o'clock. Should the polls not be promptly opened for the reception of votes by 8 o'clock A. M., the time thus lost shall be extended beyond the hour of 6 P. M., so as to secure the full period of nine hours for voting purposes. On closing the polls, the managers of election shall immediately proceed to count and cast up the votes for each candidate, and certify and sign the returns in duplicate, one of which shall be sealed up and retained by the presiding officer for future use, as a reference, in case of a contested election ; the other copy shall be sealed up with the name of the presiding officer written across the seals, and by the presiding officer, or in his absence or inability, by one of the judges or clerks, delivered in open session to the city council on the next day or as soon thereafter as practicable. The officer so delivering the same shall make oath before the mayor, or one of the aldermen, that the returns by him delivered, have not been altered or opened since

being signed and sealed as aforesaid. As received, the city council shall immediately open the returns from each ward, casting up the votes of the wards for mayor, city attorney, tax assessor and collector, treasurer, city marshal, city engineer, and secretary, and entering the same in tabular form on the journals of the council. The person thus receiving the highest number of votes for mayor, city attorney, tax assessor and collector, treasurer, city marshal, city engineer, and secretary, shall be declared elected; and in like manner, the votes for aldermen in each ward shall be entered on the journals, and the person receiving the highest number of votes for alderman in the ward in which he is a candidate, shall be declared elected alderman; *provided*, that at said first election under this charter, the two persons receiving the highest number of votes in the ward in which they are candidates, shall be declared elected alderman. The newly elected officers may enter upon their duties on the fifth day thereafter, Sundays excepted; *provided*, that any officer elect may qualify at any time within thirty days, otherwise the office shall be deemed vacant, and a new election held to fill the same. It shall be the duty of the city secretary to notify all persons elected or appointed to office of their election or appointment; and the city council elect shall meet at the usual place of meeting on the fifth day (Sundays excepted) after their election, or as soon thereafter as possible, and be installed under the provisions of this act.

SEC. 7. That every person not disqualified by law, who shall have attained the age of twenty-one years, and is entitled to vote for members of the Legislature of this State, and is duly registered, and shall have resided within the corporate limits of said city for six months next preceding the election, shall be entitled to vote for the officers of said city; *provided*, nevertheless, that no person belonging to the regular army of the United States shall be so entitled.

SEC. 8. The managers of elections shall be sworn to well and truly conduct the election without partiality and prejudice, and agreeable to law, and according to the best of their skill and understanding, which oath shall be administered by the mayor or any justice of the peace. The presiding officer and judges thus qualified shall have power to administer oaths necessary to the performance of their official duties. When any person offering a vote shall be objected to by any one qualified to vote at such election,

the managers shall examine him on oath touching the points objected to, and if he fail in establishing his qualification to their satisfaction, his vote shall be rejected.

SEC. 9. Whenever it so happens in any election that there is a tie between two or more candidates for the same office, all of whom can not be elected, the city council shall declare such election void as between such candidates only, and immediately order a new election for the office, first giving not less than five days' notice thereof. In the event of a failure to meet on the part of the city council to examine the election returns and declare the result, the mayor shall discharge that duty.

SEC. 10. No person shall be eligible to the office of mayor unless he possesses the qualifications of an elector, and shall have resided twelve months next preceding the election within the limits of the city; and no person shall be eligible to the office of alderman unless in addition to the above qualifications he be a resident of the ward from which he may be elected at the time of the election; *provided*, that if any alderman shall remove from the ward in which he was elected, his office shall be deemed vacant, and a new election ordered to fill the same.

SEC. 11. In case of a vacancy in the office of mayor or alderman, or other elective office, by refusal to accept, or failure to qualify, or by death, resignation or otherwise, the city council shall order a new election to fill such vacancy, and all special elections shall be conducted as is herein provided for the annual election; *provided*, that in all special elections to fill vacancies, ten days notice shall be deemed sufficient.

SEC. 12. The city council shall be composed of the mayor and aldermen provided for by this charter. The mayor shall be president of the council, and in case of a tie on any question he shall give the casting vote. At the first meeting of each new council, or as soon thereafter as practicable, one of the aldermen shall be elected president *pro tem.*, who shall hold his office for one year. In case of the failure, inability or refusal of the mayor to act, the president *pro tem.* shall perform the duties and receive the fees and compensation of the mayor.

CHAPTER III—POWERS AND DUTIES OF OFFICERS.

SEC. 13. Every person elected by the voters of said city to fill any office, or by the city council, under this act, shall,

before entering on the duties of his office, take and subscribe the official oath prescribed in the Constitution of this State, and the city council may by ordinance require such additional oath as they may deem best calculated to secure faithfulness in the performance of their duties by such officers.

SEC. 14. The mayor of the city shall be the chief executive officer of said corporation, and shall be vigilant and active at all times in causing the laws and ordinances for the government of said city to be duly executed and put in force. He shall inspect the conduct of all subordinate officers in the government thereof, and, as far as it may be in his power, shall cause all negligence, carelessness and positive violations of duty to be prosecuted and punished. He shall have power, whenever in his judgment the good of the city may require it, to summon meetings of the city council, and he shall, from time to time, communicate to that body all such information, and recommend all such measures as may tend to the improvement of the finances, the police, health, security, cleanliness, comfort, ornament and good government of said city. The mayor shall also be the chief judicial magistrate of the city, until the election and qualification of recorder as hereinafter provided.

SEC. 15. That whenever the mayor shall deem it necessary, in order to enforce the laws of the city, or to avert danger, or protect life or property, in case of riot or any outbreak or calamity or public disturbance, or when he has reason to fear any serious violation of law or order or any outbreak, or any other danger to said city or the inhabitants thereof, he shall summon into service, as a special police force, all, or as many of the citizens as in his judgment and discretion may be necessary and proper, and such summons may be by proclamation, or order addressed to the citizens generally, or those of any ward of the city, or sub-division thereof, or such summons may be by personal notification; such special police while in service, shall be subject to the orders of the mayor, shall perform such duties as he may require, and shall have the same power, while on duty as the regular police force of said city; and any person so summoned, and failing to obey or appearing and failing to perform any duty that may be required by this act, shall be fined in a sum not exceeding one hundred dollars.

SEC. 16. The mayor shall have like power with a justice

of the peace to administer oaths of office, and also all other oaths and affirmations and to give certificates thereof. He shall possess and execute, in the city, in criminal cases, all the powers and duties of a justice of the peace. He shall have authority in case of a riot, or any unlawful assemblage, or with a view to preserve peace and good order in said city, to order and enforce the closing of any theatre, ball room, grog shop, tippling house, bar room or other place of resort, or public room, or building, and may order the arrest of any person violating, in his presence, the laws of the State, or any ordinance of the city, and he shall perform such other duties, and possess and exercise such other power and authority, as may be prescribed and conferred by the city council.

SEC. 17. All ordinances and resolutions adopted by the council shall, before they take effect, be placed in the office of the city secretary; and if the mayor approve thereof, he shall sign the same, and such as he shall not sign, he shall return to the city council, with his objections thereto; upon the return of any ordinance or resolution by the mayor, the vote by which the same was passed shall be reconsidered, and if, after such reconsideration, a majority of the whole number of aldermen agree to pass the same, and enter their votes on the journal of their proceedings, it shall be in force; and if the mayor shall neglect to approve, or object to any such proceedings, for a longer period than three days after the same shall be placed in the secretary's office as aforesaid, the same shall go into effect.

SEC. 18. The city council may, at any time after the acceptance of the provisions of this act, by ordinance establish the office of recorder of said city, and appoint a suitable person to fill the same, and when so appointed, he shall be the chief judicial magistrate of the city, and shall hold his office until the installation of a new city council, unless the council shall sooner discontinue the office by ordinance; and as such shall hold a court within said city, by the name of the recorder's court of the city of —, which said court shall have jurisdiction and cognizance of all misdemeanors, breaches of the peace, infractions of the ordinances, and all other causes arising under the laws of said city, and shall be deemed always open for the trial of said causes. The said court shall have full power, authority and jurisdiction in all cases arising under the ordinance of said corporation, and over

any breaches and violations thereof, and of any and all persons thus offending, and to try and determine all suits, actions and complaints, charging a violation of any ordinance of said city, and may grant new trials, on motion in writing, showing sufficient cause and duly sworn to; and all prosecutions, trials and proceedings had in said court under this act, shall be governed by the laws and rules regulating trials, prosecutions and proceedings in justices courts in force at the time, and shall be entitled to the same fees that justices of the peace are allowed for similar services, and to such additional compensations as may be allowed by the by-laws and ordinances of the corporation. The recorder may require of any person arrested under the provisions of this act, a bond for his or her good behavior, and to keep the peace, with two good and sufficient sureties, which bond shall be payable to the city of —. He shall have full power and authority to issue subpoenas for witnesses, and to compel their attendance by process of attachment. He may punish all attempts, by fine and imprisonment, or either; may issue subpoenas, writs of *habeas corpus*, warrants of arrest, search warrants, executions, and all other process known to the law, which a justice of the peace of this State may lawfully issue; and all of said writs and process shall be issued, served and executed under the same forms, and in the same manner, as the like process would be when issued by a justice of the peace, unless herein otherwise provided. He shall also have full power and authority to administer official oaths, and all oaths and affirmations, and give certificates therefor. The recorder shall be *ex-officio* justice of the peace, and he shall possess and execute, in the city, in criminal cases, all the powers and duties of such officer, and shall have the same authority and like powers with justices of the peace in the prevention and suppression of crime; *provided*, that in no case shall he entertain jurisdiction in civil suits. The city council may determine what costs, if any, shall be charged in proceedings in and for all process issued in said court, and shall allow the judge thereof, for his services, such salary or fees, or either, or both, as they deem necessary; and the recorder shall perform such other duties as may be prescribed by any ordinance of said corporation that may properly and lawfully be required of said officer, as the judge of said court, and are not inconsistent with the laws and constitution of this State; *provided*, that all moneys

collected from fines, of whatever character imposed by the recorder, shall be paid into the city treasury for the use of the city; and *provided, further*, that until the said office of recorder is established, and a recorder is elected by the city council, or when the same shall be discontinued, or a vacancy occur therein, the mayor of the city shall possess and execute all the powers and duties of recorder, holding a court which shall be known as the mayor's court, as set forth in this section, and that may be imposed by ordinance of the city, and shall receive for his services the same fees and compensation.

SEC. 19. That every person brought before the mayor or recorder, to be tried for an offence for which the penalty may be fine or imprisonment, or both, shall be entitled; if he or she shall demand it, to be tried by a jury of six legal voters of the city, who shall be summoned, empanelled and qualified as jurors in justices courts under the laws of the State.

SEC. 20. The marshal of the city shall be *ex-officio* chief of police, and may appoint one or more deputies, and shall either in person or by deputy attend upon the recorder's or mayor's court while said court is in session, and shall promptly and faithfully execute all writs and process issued from said court. He shall have like power with the sheriff of the county to execute the writ of search warrant. He shall be active in quelling riots, disorder and disturbances of the peace within the limits of said city, and shall take into custody all persons so offending against the peace of the city; and shall have authority to take suitable and sufficient bail for the appearance before the recorder's or mayor's court, of any person charged with an offense against the ordinances or laws of the city. It shall be his duty to arrest without warrant all violators of the public peace, and all who obstruct or interfere with him in the execution of the duties of his office, or who shall be guilty of disorderly conduct or disturbances whatever. To prevent a breach of the peace or preserve quiet and good order, he shall have authority to close any theatre, bar room, ball room, drinking house, or any other place or building of public resort; and in the prevention and suppression of crime and arrest of offenders he shall have, possess and execute like power, authority and jurisdiction as the sheriff of a county under the laws of the State. He shall receive a salary, or fees of office, or both, to be fixed by the city

council. The marshal shall give such bond for the faithful performance of his duties as the city council may require, and he shall perform such other duties and possess such other powers, rights and authority as the city council may by ordinances require and confer, not inconsistent with the Constitution and laws of this State.

SEC. 21. It shall be the duty of the city secretary to attend every meeting of the city council, and keep accurate minutes of the proceedings thereof in a book to be provided for that purpose; and to engross and enroll all laws, resolutions and ordinances of the city council; to keep the corporate seal; to take charge of and preserve and keep in order all the books, records, papers, documents and files of said council; to countersign all commissions issued to the city officers and licenses issued by the mayor, and to keep a record or register thereof; and to make out all notices required under any regulation or ordinance of the city. He shall draw all warrants on the treasurer, and countersign the same, and keep an accurate account thereof in a book to be provided for the purpose. He shall be the general accountant of the corporation, and shall keep, in books, regular accounts of all receipts and disbursements for the city, and separately, under proper heads, each cause of receipt and disbursement; and also accounts with each person including officers who have money transactions with the city, crediting amounts allowed by proper authority, and specifying the particular transaction to which such entries apply. He shall also keep a register of bonds and bills issued by the city, and all evidence of debt due and payable to it, noting the particulars thereof, and all facts connected therewith, as they occur. He shall carefully keep all contracts made by the city council, and he shall do and perform all such other duties as may be required of him by law, ordinance, resolution or order of the city council. He shall receive for his services an annual salary, payable at stated period, and such additional fees as may be allowed by the city council.

SEC. 22. The treasurer of said city shall give bond in favor of the city in such amount, and in such form as may be required by the city council, and with sufficient security, to be approved by the city council, conditioned for the faithful discharge of his duties. He shall receive and securely keep all moneys belonging to the city, and make all payments for the same upon the order of the mayor,

attested by the secretary under the seal of the corporation; *provided*, that no order shall be paid unless the said order shall show upon its face that the city council has directed its issuance, and for what purpose. He shall render a full and correct statement of his receipts and payments, to the city council at their first regular meeting in every quarter, and whensoever, at other times, he may be required by them so to do; at the end of every half year he shall cause to be published at the expense of the city, a statement, showing the amount of receipts and expenditures for the six months next preceding, and the general condition of the treasury; and he shall do and perform such other acts and duties as the city council may require; and for his services he shall receive such compensation as shall be fixed by the city council.

SEC. 23. The assessor and collector shall make up all the assessment of all property taxed by the city, and make duplicate rolls thereof, and on completion of the rolls shall deliver one of them to the city secretary. He shall collect all taxes due the city, and in the event of non-payment of any taxes, shall proceed to sell property to raise the amount of taxes so due; and shall in the performance of his duties, observe the provisions of this act, and the ordinances of the city relating thereto. He shall give bond, in such amount and in such form as the city council may prescribe, with good and sufficient sureties, and the city council may require a new bond whenever, in their opinion, the existing bond is insufficient; and whenever such bond is required, he shall perform no official act until said bond shall be given and approved. He shall at the expiration of every week pay to the treasurer all money by him collected, and shall report to the city council, at the first meeting in every month, all moneys so collected and paid; and he shall perform all such other duties, and in such manner and according to such rules and regulations as the city council may prescribe. The assessor and collector is authorized to require the owners of all property subject to taxation to render a correct account of the same, under oath, to be administered by him. The assessor and collector shall receive such fees and commissions for his services as may be allowed by the ordinances of the city.

SEC. 24. The city council shall have power, from time to time, to require other and further duties of all officers,

whose duties are herein prescribed, and to define and prescribe the powers and duties of all officers appointed or elected to any office under this act, whose duties are not herein specially mentioned, and fix their compensation. They may also require bonds to be given to the said corporation by all officers for the faithful performance of their duties. The city council shall provide for filling vacancies in all offices, not herein provided for, and in all cases of vacancy, the same shall be filled only for the unexpired term.

CHAPTER IV—OF THE CITY COUNCIL—ITS GENERAL POWERS
AND DUTIES.

SEC. 25. The mayor and aldermen shall constitute the city council of the city. The city council shall meet at such times and places as they shall by resolution direct. The mayor when present shall preside at all meetings of the city council, and shall have in all cases a casting vote, except in elections. In his absence and absence of president *pro tem.*, any one of the aldermen may be appointed to preside.

SEC. 26. The city council shall hold stated meetings, and the mayor, of his own motion, or on the application of three aldermen, may call special meetings, by notice to each of the members of said council, the secretary and city attorney, served personally or left at their usual place of abode. Petitions and remonstrances may be presented to the council in writing only, and the council shall determine the rules of its proceedings, and be the judge of the election and qualifications of its own members, and have the power to compel the attendance of absent members, and punish them for disorderly conduct.

SEC. 27. The city council shall have the management and control of the finances and other property, real, personal and mixed, belonging to the corporation.

SEC. 28. The city council shall have power to appropriate money, and provide for the payment of debts and expenses of the city.

SEC. 29. To provide by ordinance special funds for special purposes, and to make the same disbursable only for the purpose for which the fund was created; and any officer of the city misappropriating said special funds shall be deemed guilty of malfeasance in office, and shall, on complaint of any one interested in said funds misappro-

priated, be removed from office, and be incapable thereafter to hold any office in said city; and shall, on conviction before any court of competent authority, be fined in a sum not exceeding five hundred dollars, and be imprisoned not exceeding six months.

SEC. 30. To make regulations to prevent the introduction of contagious disease into the city, to make quarantine laws for that purpose, and to enforce them within the city and within ten miles thereof.

SEC. 31. To provide, or cause to be provided, the city with water, to make, regulate and establish public wells, pumps and cisterns, hydrants and reservoirs, in the streets or elsewhere, within said city, or beyond the limits thereof, for the extinguishment of fires and the convenience of the inhabitants, and to prevent the unnecessary waste of water.

SEC. 32. To have the exclusive control and power over the streets, alleys and public grounds and highways of the city, and to abate and remove encroachments or obstructions thereon; to open, alter, widen, extend, establish, regulate, grade, clean, or otherwise improve said streets; to put up drains or sewers therein, and to prevent the incumbering thereof, in any manner, and to protect the same from any encroachment or injury; and to regulate and alter the grade of premises, and to require the filling up and raising of the same.

SEC. 33. To establish, erect, construct, regulate and keep in repair bridges, culverts and sewers, sidewalks and crossways, and to regulate the construction and use of the same, and to abate and punish any obstructions or encroachments thereon; and the cost of construction of sidewalks shall be defrayed by the owner of the lot, or part of lot or block, fronting on the sidewalk; and the cost of any sidewalk constructed by the city, shall be collected, if necessary, by the sale of the lot, or part of lot or block on which it fronts, together with the cost of collection, in such a manner as the city council may, by ordinance provide; and a sale of any lot or part of lot or block to enforce collection of costs of sidewalks, shall convey a good title to the purchaser, and the balance of proceeds of sale, after paying the amount due the city and costs of sale, shall be paid by the city to the owner.

SEC. 34. To provide for lighting the streets, and erecting lamp-posts and lamps therein, and regulating the light-

ing thereof, and from time to time create, alter or extend lamp districts; to exclusively regulate, direct and control the laying and repairing of the gas pipes and gas fixtures in the streets, alleys, sidewalks and elsewhere.

SEC. 35. To establish or erect, or cause to be established or erected, markets and market houses, designate, control and regulate market places and privileges, inspect and determine the mode of inspecting meat, fish, vegetables and all produce, and every article and thing therein bought for sale.

SEC. 36. To provide for the enclosing, regulating, and improving all public grounds and cemeteries belonging to the city, and to direct and regulate the planting and preserving of ornaments and shade trees in the streets, sidewalks or public grounds.

SEC. 37. To erect or establish one or more hospitals, and control and regulate the same; regulate, or prohibit and permit the establishment of private hospitals.

SEC. 38. To regulate the carrying of weapons, and to prevent the carrying of the same concealed.

SEC. 39. To prevent the encumbering of the streets, alleys, sidewalks and public grounds, with carriages, wagons, carts, hacks, buggies, or any vehicle whatsoever, boxes, lumber, timber, firewood, posts, awnings, signs or any other substance or material whatever, or in any other manner whatever; to compel all persons to keep all weeds, filth and any kind of rubbish from the sidewalks and streets and gutters in front of the premises occupied by them; to require and compel the owners of property to fill up, grade, gravel and otherwise improve the sidewalks in front of and adjoining their property; also to inspect the construction of buildings, and to cause unsafe buildings to be made safe or be removed, and to prohibit the use of certain materials deemed unsafe.

SEC. 40. To license, tax and regulate merchants, commission merchants, hotel and inn keepers, drinking houses or saloons, bar rooms, beer saloons, and all places or establishments where intoxicating or fermented liquors are sold; brokers, money brokers, real estate agents, insurance agents, insurance brokers and auctioneers, and all other trades, professions, occupations and callings, the taxing of which is not prohibited by the constitution of the State, which tax shall not be construed to be a tax on property.

SEC. 41. To license, tax and regulate, or suppress and

prevent hawkers, peddlers, pawnbrokers and keepers of theatrical or other exhibitions, shows and amusements.

SEC. 42. To license, tax and regulate, or prohibit theatres, circuses, the exhibitions of common showmen, and of shows of any kind, and the exhibition of natural or artificial curiosities, caravans, menageries and musical exhibitions and performances.

SEC. 43. To license, tax and regulate hackmen, draymen, omnibus drivers and drivers of baggage wagons, porters and all others pursuing like occupations, with or without vehicles, and prescribe their compensation, and provide for their protection, and make it a misdemeanor for any person to attempt to defraud them of any legal charge for services rendered, and to regulate, license and restrain runners for railroads, stages and public houses.

SEC. 44. To license, tax and regulate billiard tables, pin alleys, ball alleys; to suppress and restrain disorderly houses, tippling shops and groceries, gambling and gaming houses, lotteries and all fraudulent devices and practices, and prohibit bawdy houses of prostitution, or assignation, within the limits of the city.

SEC. 45. To authorize the proper officer of the city to grant and issue licenses, and to direct the manner of issuing and registering thereof, and the fees and charges to be paid therefor; no license shall be issued for a longer period than one year, and shall not be assignable, except by permission of the city council.

SEC. 46. To restrain, regulate and prohibit the selling or giving away indirectly, to evade a tax or penalty, of intoxicating or malt liquors, by any person, within the city, except by persons duly licensed; to forbid or punish the selling or giving away of any intoxicating or malt liquors to any minor, apprentice or habitual drunkard.

SEC. 47. To close drinking houses, saloons, bar rooms, beer saloons and all places or establishments where intoxicating or fermented liquors are sold, on Sundays, and prescribe hours for closing them; and also all places of amusement and business.

SEC. 48. The city council shall have full power, by ordinance, to prevent the sale or giving away of any intoxicating liquors in any house or other place where theatrical or dramatic representations are given, and also to prevent intoxicating liquors of any description from being brought

into any house or place where such representations are given, under any pretext whatsoever.

SEC. 49. To make such rules and regulations in relation to butchers as they may deem necessary and proper.

SEC. 50. To regulate the inspection of beef, pork, flour, meal, salt and other provisions, whisky and other liquors to be sold in barrels, hogsheads, and other vessels and packages; to appoint weighers, gaugers and inspectors, and prescribe their duties and regulate their fees.

SEC. 51. To regulate the weight and quality of the bread to be sold or used within the city.

SEC. 52. To create, establish and regulate the police of the city; to appoint watchmen and policemen, and prescribe their duties and powers and compensation.

SEC. 53. To suppress and prevent any riot, affray, noise, disturbance or disorderly assembly in any public or private place within the city.

SEC. 54. To prevent, prohibit and suppress horse racing, immoderate riding or driving in the streets; to prohibit and punish the abuse of animals; to compel persons to fasten their horse[s] or other animals, attached to vehicles or otherwise, while standing or remaining in the streets.

SEC. 55. To restrain and punish vagrants, mendicants, street beggars and prostitutes.

SEC. 56. To establish and regulate public pounds, and to regulate, restrain and prohibit the running at large of horses, mules, cattle, sheep, swine, goats, and to authorize the distraining, impounding and sale of the same for the costs of the proceedings and the penalty incurred, and to order their destruction when they cannot be sold, and to impose penalties on the owners thereof for a violation of any ordinance.

SEC. 57. To tax, regulate or restrain and prohibit the running at large of dogs, and to authorize their destruction when at large contrary to ordinances, and to impose penalties on the owners or keepers thereof for violations of such ordinances.

SEC. 58. To prohibit and restrain the firing of fire-crackers, guns and pistols, use of velocipedes, or use of any pyrotechnic or any other amusement or practices tending to annoy persons passing in the streets or sidewalks, or to frighten horses or teams; to restrain and prohibit the ringing of bells, blowing of horns and bugles, crying of goods, and all other noises, practices and performances

tending to the collection of persons on the streets and sidewalks by auctioneers and others, for the purpose of business, amusement or otherwise.

SEC. 59. To abate all nuisances which may injure or affect the public health or comfort in any manner they may deem expedient.

SEC. 60. To do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease.

SEC. 61. To compel the owner or occupant of any grocery, soap, tallow or chandler establishment or blacksmith shop, tannery, stable, slaughter-house, distillery, brewery, sewers, privy, hide houses or other unwholesome or nauseous house or place, to cleanse, remove or abate the same, as may be necessary for the health, comfort and convenience of the inhabitants.

SEC. 62. To direct the location of business, tanneries, blacksmith shops, foundries, livery stables, and any manufacturing establishment; to direct the location and regulate the management and construction of, restrain, abate and prohibit within the city slaughtering establishments and hide houses, or establishments for keeping or curing hides, establishments for making soap, for steaming or rendering lard, tallow, offal, and such other substances as may be rendered; and all other establishments or places where any nauseous, offensive or unwholesome business may be carried on.

SEC. 63. To regulate the burial of the dead, to purchase, establish and regulate one or more cemeteries; to regulate the registration of deaths, marriages and births; to direct the returning and keeping of bills of mortality.

SEC. 64. To abate and remove nuisances, and to punish the authors thereof, by penalties, fine and imprisonment, and to define and declare what shall be nuisances, and authorize and direct the summary abatement thereof.

SEC. 65. To erect and establish one or more workhouses, or houses of correction, within or without the city limits; make all necessary rules and regulations thereof, and appoint all necessary keepers or assistants. In such workhouse or house of correction, may be confined all vagrants, stragglers, idle, suspicious and disorderly persons, who may be committed by the mayor or recorder; and any person who shall fail or refuse to pay the fine penalty or costs imposed for any misdemeanor or breach of any ordinance

of the city, may, instead of being committed to jail, be kept therein subject to labor and confinement.

SEC. 66. To compel and force all offenders against any ordinance of this city, found guilty by the recorder or mayor, and sentenced to fine and imprisonment, to labor on the streets and alleys of said city, or on any public work, under such regulations as may, by ordinances, be established.

SEC. 67. To prevent all trespasses, breaches of the peace and good order, assaults and batteries, fighting, quarreling, using abusive, obscene, profane and insulting language, misdemeanors and all disorderly conduct, and punish all persons thus offending.

SEC. 68. To prevent and punish the keeping of houses wherein indecent, loud or immodest dramatic or theatrical representations are given, of houses of prostitution within the city, and to adopt summary measures for the removal or suppression of all such establishments.

SEC. 69. To require the owner of private drains, sinks and privies to fill up, cleanse, drain, alter, relay, repair, fix and improve the same, as may be ordered by any resolution or ordinance of said city; and in the event of any failure, neglect or refusal to comply with any such order, the party so failing shall be liable to fine and imprisonment. In the event of there being no person in the city on whom such order can be served, the city may have such work done and such improvements made on account of the owner thereof, and all costs, charges and expenses shall be a lien on the property, on the filing of a memorandum by the mayor, under the seal of the corporation thereof, and recording the same with the clerk of the district court; and the city may enforce said lien and institute suit in the corporate name, and obtain judgment against said party for the amount so due as aforesaid in any court having jurisdiction.

SEC. 70. To direct and control the laying and constructing of railroad tracks, turn-outs and switches, or prohibit the same, in the streets, avenues and alleys, unless the same shall have been authorized by law, and the location of depots within the city; to require that railroad tracks, turn-outs and switches, shall be so constructed as to interfere as little as possible with the ordinary travel and use of streets, avenues and alleys, and that sufficient space shall be left on either side of said track

for the safe and convenient passage of teams, carriages and other vehicles, and persons; to require railroad companies to keep in repair the streets, avenues or alleys through which their track may run, and if ordered by the city council to construct and keep in repair suitable crossings at the intersection of streets, avenues and alleys, and ditches, sewers and culverts, when the city council shall deem it necessary; to direct the use and regulate the speed of locomotive engines within said city, or to prevent and prohibit the use or running of the same within the city; *provided*, that the provisions of this section shall apply to railroads known as steam railroads, and not to city, street or horse railroads.

SEC. 71. The city council shall have power to assess and collect the ordinary municipal taxes upon city or horse railroads, and to compel said city railroad companies to keep their roads in repair, and to make them conform to the grades of the streets upon which their tracks may be laid, whenever said streets shall have been graded by the city, and to restrain the rate of speed so as not to exceed seven miles per hour, and to compel said city railroads to supply ample accommodation for the safe and convenient travel of the people on the street where their track may run; the city council may enforce these regulations by proper ordinances, with suitable penalties for any violation of said ordinances.

SEC. 72. To prevent any person from bringing, depositing or having within the limits of said city any dead carcass, or any other offensive or unwholesome substances or matter, and to require the removal or destruction, by any person who shall have placed or caused to be placed upon or near his premises, or elsewhere, of any substance or matter, filth, or any putrid or unsound beef, pork or fish, hides or skins of any kind; and on his default, to authorize the removal or destruction thereof, by some officer of the city, and require the owner of any dead animal to remove the same to such place as may be designated.

SEC. 73. To prevent, regulate and control the driving of cattle, horses and all other animals, into or through the city.

SEC. 74. The city council shall have power to pass, publish, amend or repeal all ordinances, rules and police regulations, not contrary to the Constitution of this State,

for the good government, peace and order of the city, and the trade and commerce thereof, that may be necessary or proper to carry into effect the powers vested by this act, in the corporation, the city government, or in any department or officer thereof; to enforce the observance of all such rules, ordinances and police regulations, and to punish violations thereof by fines, penalties and imprisonment in the prison, workhouse or house of correction, or to work on the streets or other public works, or either, in the discretion of the court before whom conviction may be had; but no fine or penalty shall exceed one hundred dollars, nor the imprisonment more than fifteen days for any offense, unless a larger fine and longer period of imprisonment is herein allowed; and for any fine, penalty and costs, imposed by the mayor or recorder, in the trial of any cause or complaint before him, execution may issue to collect such fine and costs, to be levied and executed in the same manner that executions are from the district court. The same shall be issued by the mayor or recorder to the marshal, who, in levying on property and selling, shall have like power and authority as the sheriff of the county in executions issued from the district court; and the laws of the State, so far as applicable, shall apply to, and be in full force and effect as to the executions issued from the mayor's or recorder's court; and the marshal, in executing the same, any person upon whom any fine or penalty is imposed, may be committed until the payment of the same, with costs, and in default thereof may be imprisoned in the city prison, or workhouse, or house of correction, or may be required to work on the streets or other public work of the city for such time and in such manner as may be provided by ordinance; *provided*, such imprisonment shall not exceed fifteen days, unless a longer period is herein allowed.

SEC. 75. To pass all necessary ordinances to provide for funding the whole or any part of the existing debt of the city, or of any future debt, by cancelling the evidences thereof, and issuing to the holders or creditors notes, bonds or treasury warrants, with or without coupons, bearing interest at any annual rate not to exceed ten per cent. The council shall also provide by ordinance for issuing the bonds of the city in such sums as may be agreed upon for railroad subsidies heretofore voted, or that may be hereafter voted in accordance with the laws of this State.

SEC. 76. To appropriate so much of the revenues of the city, emanating from whatever source, for the purpose of retiring and discharging the accrued indebtedness of the city, and for the purpose of improving the public markets and streets, erecting and conducting city hospitals, city hall, water works, and so forth, as they may from time to time deem expedient; and in furtherance of these objects, they shall have power to borrow money upon the credit of the city, and issue coupon bonds of the city therefor, in such sum or sums as they may deem expedient, to bear interest not exceeding ten per cent. per annum, payable semi-annually at such place as may be fixed by city ordinance; *provided*, that the aggregate amount of bonds issued by the city council shall, at no time, exceed six per cent. of the value of the property within said city subject to *ad valorem* tax.

SEC. 77. All bonds shall specify for what purpose they were issued, and shall not be invalid if sold for less than their par value; and when any bonds are issued by the city, a fund shall be provided to pay the interest and create a sinking fund to redeem the bonds, which fund shall not be diverted nor drawn upon for any other purpose, and the city treasurer shall honor no draft on said fund except to pay interest upon, or redeem the bonds for which it was provided.

SEC. 78. Said bonds shall be signed by the mayor and countersigned by the secretary, and payable at such places, and at such times as may be fixed by ordinance of the city council, not less than ten, nor more than fifty years.

SEC. 79. It shall be the duty of the mayor, whenever any bond or bonds are issued, to forward the same to the Comptroller of the State, whose duty it shall be to register said bond or bonds in a book kept for that purpose, and to endorse on each bond so registered, his certificate of registration, and to give, at the request of the mayor, his certificate, certifying to the amount of bonds so registered in his office up to date.

SEC. 80. That it shall be the duty of the mayor, at the time of forwarding any of said bonds for registration, to furnish the Comptroller with a statement of the value of all taxable property, real and personal, in the city; also with a statement of the amount of tax levied for the payment of interest, and to create a sinking fund. It is here-

by made the duty of the Comptroller to see that a tax is levied and collected by the city, sufficient to pay the interest semi-annually on all bonds issued, and to create a sinking fund sufficient to pay the said bonds at maturity, and that said sinking fund is invested in good interest-bearing securities.

CHAPTER V—ON TAXATION.

SEC. 81. The city council shall have power within the city, by ordinance, to annually levy and collect taxes, not exceeding one per cent., on the assessed value of all real and personal estate and property in the city, not exempt from taxation by the Constitution and laws of the State; *provided*, that by consent of two-thirds (2-3) of the qualified voters of said city, expressed at an election held for that purpose under the provisions of this act, the city council may levy and collect an additional tax of not exceeding one per cent. upon all such property.

SEC. 82. To annually levy and collect a poll tax, not to exceed one dollar, of every male inhabitant of said city over the age of twenty-one years, (idiots and lunatics excepted), who is a resident thereof at the time of such annual assessment.

SEC. 83. That the city council shall have power to levy and collect taxes, commonly known as licenses, upon trades, professions, callings and other business carried on, and upon carriages, hacks, coaches, buggies, drays, carts, wagons and other vehicles used in said city, when the same are for public use; that each and every person and firm, engaging in the following trades, professions, callings and business, among others, shall be liable to pay such license tax; but this enumeration shall not be construed to deprive the city council of the right and power to levy and collect other license taxes, and from other persons and firms under the general authority herein granted.

SEC. 84. Every person and firm engaged in selling goods, wares and merchandise; every person and firm selling liquor in quantities over a quart; every person or firm keeping a grog-shop, tippling house, bar room or drinking saloon; every person or firm keeping a place where spirituous liquors, wines, cordials or beer are sold in quantities less than one quart; every person or firm keeping a billiard table, ball alley, or nine or ten pin alley, or any similar game; every person or firm keeping a tavern or hotel, or

boarding house; every person or firm keeping a restaurant, eating house, oyster shop, oyster saloon, or place of any description where eating or refreshments are furnished; every person or firm keeping a livery stable, sale stable, feed or other kind of stable; every person or firm selling goods, wares or merchandise at public auction; every person or firm pursuing the occupation of a real estate broker or agent, merchandise or cotton broker, or commission business; every person or firm pursuing the occupation of hawker or peddler of goods or any article whatever; every person or firm keeping a brewery, beer shop or distillery, or fruit stand; every person or firm keeping storage or a warehouse, or engaging in compressing cotton, keeping an intelligence office; each and every insurance company shall also be liable to pay said city such license tax, and each and every insurance agent in said city shall likewise be subject to said license tax, and such agent shall be held responsible therefor, and for each association, corporation or company of which he is agent.

SEC. 85. That each and every firm keeping a lumber, wood or coal yard, or any place for sale of the articles aforesaid, or building material, shall be subject to said license tax, and all other persons from whom the city council may require said tax, under the authority in this act granted; *provided*, nothing herein contained shall in any wise prevent or restrain the city council from collecting the license, and each license tax hereinbefore provided for by this act; each establishment shall be liable to said license tax; and any person or firm pursuing occupations, business, avocations or calling subject to said tax shall pay on each, and no license shall extend to more than one establishment, or include more than one occupation, avocation, business or calling.

SEC. 86. The city council shall have power to provide by ordinance for the assessing and collecting of the taxes aforesaid, and to determine when taxes shall be paid by corporations, and when by the individual corporators; *provided*, no tax shall be levied unless by consent of two-thirds of the aldermen elected.

SEC. 87. The license tax shall be collected by the assessor and collector, and shall be paid to that officer by each and every person and firm owing such license, and before engaging in any trade, profession, business, calling, avocation or occupation, subject to said tax; that if any person

shall engage in any business, calling, avocation or occupation, which by an ordinance of the said city is subject to a license tax, without first having obtained said license, he, she or they shall, on conviction before the mayor or recorder's court, be liable to imprisonment or a fine of ten dollars, or both imprisonment and such fine, for each day such violation of said ordinance may continue; and this section shall apply to all persons owing any license and failing to pay the same; *provided*, that the city council may collect said license tax by suit in any court having jurisdiction, under such rules and regulations as they may provide by ordinance; said taxes commonly known as licenses, laid as herein provided, shall not be construed to be a tax on property within the meaning of section eighty-nine, or any other section of this act.

SEC. 88. That the term real estate or property, as used in this act, shall be construed to include lots, lands, and all buildings or machinery and structures of every kind erected upon or affixed to the same.

SEC. 89. That the term personal estate or property, as used in this act, shall be construed to include all household furniture, moneys, goods, capital, chattles, public stocks and stocks of corporations, moneyed or otherwise, and generally all property which is not real.

SEC. 90. That the city council may, by ordinance, provide for the exemption from taxation of such property as they may deem just and proper; *provided*, nothing contained in this chapter on taxation, shall be construed to prevent the city council from imposing, levying and collecting special taxes and assessments for the improvement of the avenues, streets and alleys, as hereinafter provided.

CHAPTER VI—COLLECTION OF TAXES.

SEC. 91. That the city council may and shall have full power to provide by ordinance for the prompt collection of all taxes assessed, levied and imposed by this act, and are hereby authorized, and due or becoming due to the said city, and to that end may and shall have full power and authority to sell or cause to be sold, real as well as personal property, and may and shall make all such rules and regulations, and ordain and pass all ordinances as they may deem necessary to the levying, laying, imposing, assessing and collecting of any of the taxes herein provided.

SEC. 92. The city council shall have power by ordinance

to regulate the manner and mode of making out tax lists or inventories or appraisement of property therein, and to prescribe the oath that shall be administered to each person on such rendition of property, and to prescribe how and when property shall thus be rendered, and to prescribe the number and form of assessment rolls, and fix the duties and define the powers of the assessor and collector, and adopt such measures as they may deem advisable to secure the assessment of all property within the limits of said city, and collect the tax thereupon; and may by ordinance provide that any person, firm or corporation, having property subject to taxation or being liable for any tax under the provisions of this act, and neglect to render a list, inventory and appraisement thereof, as required by an ordinance of said city, shall be liable to fine and imprisonment.

SEC. 93. Every person, partnership and corporation owning property within the limits of the corporation, shall, within two months after published notice, hand in to the assessor and collector of the city, a full and complete inventory of the property possessed or controlled by him, her or them, within said limits, not exempt from taxation, on the first day of January of the current year, verified as required by ordinance; and any person failing or refusing to comply with the provisions of this section, shall be liable to fine and imprisonment, and the city council shall, by ordinance, clearly define the duties of taxpayers herein, and make all necessary rules and regulations to secure the rendition of property and the collection of taxes due thereon.

SEC. 94. That it shall be the duty of the city council; annually, at such time as they may determine, to appoint three commissioners, each being a qualified voter, who shall be styled the board of appraisement, and whenever the party rendering property for assessment, and the assessor and collector cannot agree on the valuation of such property, it shall be referred to said board, and their action in appraising the same shall be final; *provided*, that at the meeting of said board the owner of the property shall be heard; said board shall also appraise all property assessed as unknown or unrendered. The city council shall allow said board such compensation for their services as may be just and reasonable. No person connected with the city

government shall be appointed on said board, and any vacancy shall be filled by the mayor.

SEC. 95. It shall be the duty of the assessor and collector to make out a list of all personal property which has not been given in for assessment, according to the provisions of this act, and assess the same in the name of the owner, if he be known, and if not, then it shall be assessed by description of the property and as unknown owner, and the value of such property shall be determined by the board of appraisement, and the same may be sold as in other cases, if the tax be not paid in the time prescribed by law.

SEC. 96. It shall be the duty of the assessor and collector, at the expiration of the time fixed by ordinance for the rendition of property, to ascertain what property in the city subject to taxation, that has not been rendered, and the same shall be by him presented to the board of appraisement for valuation by said board, and there shall, by him, be entered in a supplement to the assessment roll, as unknown, specifying the year for which said tax is not paid within the time prescribed by law, said property shall be sold at the same time and with like effect as other property.

SEC. 97. Whenever the assessor and collector shall ascertain that any taxable property, real or personal, has not been assessed for the past year, he shall assess the same in his next assessment roll, (in a supplement thereto) at the same rate under which such property should have been assessed for such year, stating the year for which such property should have been assessed for, and the taxes thereon shall be collected in the same manner as other assessments. In all cases where any party has omitted to render property for taxation for any former year or years, and such taxes have not been paid, such party shall give such property in for assessment for the years thus omitted and pay such taxes, and the assessor and collector shall enter all such property in a supplement to his next assessment roll, under the head of payments for former years.

SEC. 98. The assessor and collector, after the completion of the assessment roll, as required by ordinance, shall proceed to collect the taxes therein mentioned within the time, and give such notice as may be prescribed by the city council, and for that purpose shall call once upon every

person taxed, or on the agent or attorney of such person at the usual place of his or her residence, office, place of business, or elsewhere, and demand the payment of the tax charged upon his or her person or property, if the person is to be found, and if not, then a written demand, specifying the amount of taxes due, left at the residence with some adult member of the family, shall be a sufficient demand; *provided*, that if any person thus owing taxes, has no residence, office or place of business, and no agent in the city or known to the assessor and collector, then the said demand shall not be necessary, and the ordinary published notice, required by ordinance, shall be sufficient.

SEC. 99. That if any person shall fail, neglect or refuse to pay the taxes imposed upon him and his property, within the time prescribed by the ordinances of said city, the assessor and collector shall, by virtue of his tax list and assessment roll, levy upon so much property liable to taxation belonging to such person, as may be sufficient to pay his, her or their taxes, and the assessor and collector shall give notice of the time and place of sale by advertisement in writing (if not unknown property), the property and amount of taxes, costs and fees due thereupon; such notice shall be published in some newspaper published in the said city, and at the expiration of such notice, and on the day therein specified, the assessor and collector shall proceed to sell such property at public auction, in front of the courthouse door of the city, or such building as may be used for such purpose; *provided*, that when real estate is offered for sale the smallest portion of grounds (to be taken from the east side of the premises) shall be sold for which any person will take the same and pay the taxes, costs and fees.

SEC. 100. The assessor and collector shall, when any property has been sold for the payment of taxes, make, execute and deliver a deed for said property to the person or persons purchasing the same, and such deed shall be *prima facie* evidence in all controversies and suits in relation to the right of the purchase [purchaser,] his, her or their heirs and assigns to the premises thereby conveyed, of the following facts:

First, That the land or lot or portions thereof conveyed was subject to taxation or assessment at the time the same was advertised for sale, and had been listed or assessed in the time or manner required by law.

Second, That the taxes or assessment was not paid at any time before the sale.

Third, That the land, lot, or portion thereof conveyed, had not been redeemed from the sale at the date of the deed, and shall be conclusive evidence of the following facts:

1st. That the land, lot, or portion thereof, sold, was advertised for sale in the manner and for the length of time required by law.

2d. That the property was sold for taxes or assessments as stated in the deed.

3d. That the grantee in the deed was the purchaser.

4th. That the sale was conducted in the manner prescribed by law; and in all controversies and suits involving the title to land claimed and held under and by virtue of such deed, the person or persons claiming title, adverse to the title conveyed by such deed, shall be required to prove, in order to defeat the said title, either that the land was not subject to taxation at the date of the sale, that the taxes or assessment has been paid, that the land had never been listed and assessed for taxation and assessment as required by this act, or some ordinance of the city, or that the same had been redeemed according to the provisions of this act, and that such redemption was made for the use and benefit of the persons having the right of redemption under the law; but no person shall be permitted to question the title acquired by the said deed, without first showing that he, she or they, or the person under whom he, she or they claim title, had title to the land at the time of the sale, or, that the title was obtained after the sale, and that all taxes due upon the lands have been paid by such person or the person under whom he claims title as aforesaid; *provided, however*, that the owner of such property shall have the right to redeem the same at any time within two years of the day and date of the sale thereof, upon paying to the purchaser double the amount of taxes for which the same was sold, together with the costs of such sale, and double the amount of all taxes paid by the purchaser since such sale. The assessor and collector shall have full power to levy upon any personal property to satisfy any tax imposed by this act; all taxes shall be a lien upon the property upon which they are assessed, and in case any property levied upon is about to be removed out of the city, the assessor and collector shall proceed to take into

his possession so much thereof as will pay the taxes assessed and costs of collection.

SEC. 101. If from any cause the sale of property levied upon or seized for taxes shall not take place at the time first appointed, the assessor and collector shall appoint some other time, give like notice, and proceed to sell such property in the manner prescribed in the first instance; and in case said property levied upon or seized for taxes cannot be sold on the day advertised, such sale may be postponed from day to day until completed, of which postponement the assessor and collector shall give verbal notice at the expiration of sale each day.

SEC. 102. If at any sale of real or personal property or estate for taxes no bid shall be made for any parcel of land or any goods and chattles, the same shall be struck off to the city, and thereupon the city shall receive, in the corporate name, a deed for said property, and shall be vested with the same right as other purchasers at such sale, and shall have power to sell and convey the same.

SEC. 103. If the real estate of any infant, *femme covert* or lunatic be sold under this act, the same may be redeemed at any time within one year after such disability be removed.

SEC. 104. That the foregoing provisions of this chapter relating to notices, assessments and collection of taxes on personal property, and all other provisions thereof not inconsistent with this section, shall also apply to real estate, but that no sale of real estate shall take place unless by decree of the district court of the county in which said city is situated, at some regular term thereof; and the city council may by ordinance enact the mode and manner in which such suits for collection of taxes due and unpaid on land shall be instituted, and may have such other and further forms regulating the proceedings necessary for the sale of the land as it thinks best, and is not inconsistent with the laws and Constitution of this State; *provided*, that no sale shall be made until the owner has thirty days notice thereof; which notice may be given actually by an officer of the city, or by advertisement for sixty days, which advertisement may merely so describe the property as to designate it, and it shall not be necessary to set out the owner's name unless the same is known; and *further provided*, that such owner, his agent or attorney may redeem said property within two years from the day of sale,

by paying the purchaser or purchasers the full amount of his bid and costs of suit, with interest thereon, at the rate of twelve per cent. per annum from day of sale; and *further, provided*, the purchaser or purchasers may apply to the district court at any time after said expiration of two years for confirmation of sale, and which said decree of confirmation shall vest full and absolute title in the purchaser or purchasers of said property, their heirs or assigns; and said district court shall take and exercise all jurisdiction required to carry this into effect, and such ordinances as may be passed by the city council relative to the subject matter.

CHAPTER VII—FIRE DEPARTMENT.

SEC. 105. The city council, for the purpose of guarding against the calamities of fire, may prohibit the erection, building, placing, moving or repairing of wooden buildings within such limits within said city as they may designate and prescribe; and may within said limits prohibit the moving or putting up of any wooden building from without said limits, and may also prohibit the removal of any wooden building from one place to another within said limits, and may direct, require and prescribe that all buildings within the limits so designated and prescribed as aforesaid, shall be made or constructed of fire-proof materials, and to prohibit the rebuilding or repairing of wooden buildings within the fire limits when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and may prescribe the manner of ascertaining such damage; may declare all the dilapidated buildings to be nuisances, and direct the same to be repaired, removed or abated in such manner as they shall prescribe and direct; to declare all wooden buildings in the fire limits, which they deem dangerous to contiguous buildings, or in causing or promoting fires, to be nuisances, and require and cause the same to be removed in such manner as they shall prescribe.

SEC. 106. The city council shall have power to prevent and prohibit the dangerous condition of chimneys, flues, fire-places, stove-pipes, ovens, or any other apparatus used in or about any building or manufactory, and to cause the same to be removed or placed in a secure and safe condition when considered dangerous.

SEC. 107. To prevent the deposit of ashes in places where they would be liable to produce fire, or in any wooden box

or barrel, or within any wooden building, and to appoint one or more officers to enter into all buildings and enclosures; to examine and discover whether the same are in a dangerous state, and to cause such as may be dangerous to be put in safe condition.

SEC. 108. To require the inhabitants to keep and provide as many fire-buckets and ladders, or other means to reach the roof, as they shall prescribe, and to regulate the use thereof in times of fire.

SEC. 109. To regulate or prevent the carrying on of manufactories and works dangerous in promoting or causing fires; to prohibit or regulate the building and erection of cotton presses and sheds.

SEC. 110. To regulate or prevent and prohibit the use of fireworks and firearms.

SEC. 111. To direct, control or prohibit the keeping and management of houses or any buildings for the storing of gun powder and other combustible, explosive or dangerous materials within the city; to regulate the keeping and conveying of the same.

SEC. 112. To regulate and prescribe the manner, and to order the building of parapet and partiwalls.

SEC. 113. To compel the owners or occupants of houses or other buildings to have scuttles in the roofs, and stairs or ladders leading to the same.

SEC. 114. To authorize the mayor, officers of fire companies, or any officer of said city to keep away from the vicinity of any fire, all idle, disorderly and suspicious persons, and arrest and imprison the same, and compel all officers of the city, and all other persons, to aid in the extinguishment of fires and in the preservation of property exposed to danger thereat, and in preventing goods from being stolen.

SEC. 115. And generally to establish such regulations for the prevention and extinguishment of fires as the city council may deem expedient.

SEC. 116. The city council may procure fire engines and other apparatus for the extinguishment of fires, and have control thereof, and provide engine houses for keeping and preserving the same; and shall have power to organize fire, hook and ladder, hose and axe companies, [and] fire brigade; and the companies so organized, with such assistant engineers as may be provided for, and the chief engineer, shall constitute the fire department of the city.

Each company shall have the right to elect its own members and officers. The engineers shall be chosen in such manner as said department may determine, subject to the approval of the city council, who shall define the duties of said officers, and pass such ordinances as they may deem proper for the interest and welfare of said department, and to contribute to the efficiency thereof; all officers so elected and approved, shall be commissioned by the mayor, and the said companies, officers and members, shall observe and be governed by the ordinances of said city relating to the fire department; said companies shall have power to adopt their own constitution and by-laws not inconsistent with the provisions of this act and the ordinances of said city, and said department shall take the care and management of the engines, and other implements and apparatus provided and used for the extinguishment of fires, and their powers and duties shall be prescribed and defined by the city council.

SEC. 117. When any building in the city is on fire, it shall be lawful for the chief or acting chief engineer, with the concurrence of the mayor, to direct such building, or any other buildings which they may deem hazardous and likely to take fire and communicate to other buildings, to be torn down or blown up or destroyed, and no action shall be maintained against any person or against the city therefor, but any person interested in any such building so destroyed or injured may within six months, and not thereafter, apply in writing to the city council to assess and pay the damage he has sustained, and if the city council and the claimant cannot agree on the terms of adjustment, then the application of such claimant shall be referred to three commissioners, one to be appointed by the claimant, one by the city council, and the third by both. They shall be sworn faithfully to execute their duty according to the best of their ability, shall have power to subpoena and swear witnesses, and shall give all parties a fair and impartial hearing, and give notice of time and place of meeting; said commissioners shall be qualified voters and owners of real estate in the city, shall take into account the probabilities whether the said building would have been destroyed by fire if it had not been so pulled down or destroyed, and the loss of insurance upon said property, if any, caused by pulling down, blowing up or destroying said building, and may report that no damage

should equitably be allowed to such claimant. Whenever a report shall be made, and finally confirmed for the appraising said damages, a compliance with the terms thereof by the city council shall be deemed a full satisfaction of said damages.

SEC. 118. Every person actively serving as a fireman shall be exempt from jury duty, and who shall have so served as a fireman in the city for a continuous term of seven years, shall be exempt from all militia duty, except in cases of insurrection or invasion; a certificate of the mayor, under the city seal, shall be evidence of such exemption; the engineer and assistant engineers, and members of hook and ladder, hose and axe companies, fire-brigade and fire wardens, shall be deemed firemen of the city, within the meaning of this section.

CHAPTER. VIII.—OF SANITARY REGULATIONS.

SEC. 119. The city council may appoint a health physician, and as many health inspectors as they may deem necessary, and shall prescribe, by ordinance, the powers and duties and compensation of the same.

SEC. 120. The city council shall have power to take such measures as they may deem effectual to prevent the entrance of any pestilence, contagious or infectious diseases into the city; to stop, detain and examine, for that purpose, any person coming from any place infected or believed to be infected with that disease; to establish, maintain and regulate pest houses or hospital at some place within the city, or not exceeding five miles beyond its bounds; to cause any person who shall be suspected of being infected with any such disease to be sent to such pest house or hospital; to remove from the city or destroy any furniture, wearing apparel, or property of any kind which shall be suspected of being tainted or infected with pestilence, or which shall be likely to pass into such a state as to generate or propagate diseases; to abate all nuisances of every description which are or may become injurious to the public health, in any manner that they may deem expedient; and from time to time, do all acts, make all regulations and pass all ordinances which they shall deem expedient for the preservation of health and the suppression of disease in the city.

SEC. 121. The owner, driver, conductor or person in charge of any stage, railroad car or public conveyance,

which shall enter the city, having on board any person sick of a malignant fever, or pestilential, contagious or infectious disease, unless such person became sick on the way and could not be left, shall be deemed guilty of a misdemeanor, punishable with fine and imprisonment; or either such owner, driver, conductor or person in charge, shall, within three hours after the arrival of such sick person, report in writing the facts, with the name of such person and the house where he was put down in the city, to the health physician; and every neglect to comply with these provisions, shall be a misdemeanor, punishable by fine and imprisonment, or either.

SEC. 122. Any person who shall bring, or cause to be brought into the city, any person or property of any kind, tainted or infected with malignant fever, or pestilential or infectious disease, shall be guilty of a misdemeanor, and punishable by fine and imprisonment, or either.

SEC. 123. Every keeper of any inn, hotel, tavern, boarding or lodging house in the city, in which any inmate thereof shall be sick with small-pox, varioloid, yellow fever, or other infectious or pestilential disease, shall, upon such fact coming to his knowledge, forthwith report the same to the health officer. Every physician in the city shall report under his hand, to the officer above named, the name, residence and disease of every patient whom he shall have sick of any infectious or pestilential disease, within six hours after he shall have visited such patient. A violation of either of the provisions of this section, or any part of either of them, shall be a misdemeanor, punishable by fine and imprisonment, or either.

SEC. 124. The city council shall have power to require the filling up, draining and regulating of any lot or lots, grounds or yards, or any other places in the city, which shall be unwholesome, or have stagnant water therein, or from any other cause, be in such condition as to be liable to produce disease; also, to cause all premises to be inspected, and to impose fines on the owners of houses under which such stagnant water may be found, and to pass such ordinances as they shall deem necessary for the purpose aforesaid, and for the making, filling up, altering or repairing of all sinks and privies, and directing the mode and material for constructing them in future, and for cleansing and disinfecting the same; and for cleansing of any house, building, establishment, lot, yard or ground,

from filth, carrion or impure or unwholesome matter of any kind, and to punish any owner or occupant violating the provisions of any ordinance so passed, as aforesaid; and the city council shall, also, in addition to the foregoing remedy, have the power to cause any of the improvements above mentioned to be done at the expense of the city, on account of the owners, and cause expenses to be assessed on the real estate, or lot or lots, benefited thereby; and on filing with the district clerk of the county in which the city is situated a statement, by the mayor, of such expenses, shall have a first and privileged lien on such property, to secure such expenditure, and twelve per cent. interest thereon. For any such expenditures and interest, as aforesaid, suit may be instituted and recovery had in the name of the corporation, in any court having jurisdiction, and the statement so made, as aforesaid, or a certified copy thereof, shall be full proof and satisfactory evidence of the amount expended in any such improvement.

SEC. 125. The health physician may be authorized by the city council, when the public interest requires, to exercise for the time being such of the powers and perform such of the duties of the chief of police as the city council may in their discretion direct, and authorized to enter all houses and other places, private or public, at all times, in the discharge of his duties, under this act, having first asked permission of the owners or occupants; the city council shall have power to punish, by fine and imprisonment, or either, any neglect or refusal to observe the orders and regulations of the health physician.

CHAPTER IX—STREETS AND ALLEYS.

SEC. 126. The city council shall be invested with full power and authority to grade, gravel, repair, pave or otherwise improve any avenue, street or alley, or any portion thereof, within the limits of said city, whenever, by a vote of two-thirds of the aldermen present, they may deem such improvement for the public interest; *provided*, the city council pay one-third and the owners of the property two-thirds thereof, except at the intersections of streets, from lot to lot across the streets, either way, shall be paid for by the city alone; and said cost shall be assessed on the property fronting on said street so improved, to be collected in equal annual payments, not less than five in num-

ber, and all moneys collected from these assessments shall be appropriated exclusively to the payment of the bonds issued for the payment of the cost of said improvement.

SEC. 127. That whenever the city council shall determine to make any such improvement they shall cause an estimate to be made of the probable cost thereof by the city engineer, or by some other officer of the city, or by a committee of three aldermen; and such other officer or committee shall also report a full list of all lots or fractional lots, giving number and size of the same, and the number of the block in which situated, and the names of the owners thereof, if known, and such other information as may be required by the city council, and if there be any lot or fractional lot, the owner of which is not known, the same shall be entered on said list as unknown; it shall be the duty of the officer or committee aforesaid to enter on said list, opposite each lot or fractional lot lying and being on each side of the street, avenue or alley so to be improved as aforesaid, one-third of the estimated expense for such work or improvement on such avenue, street or alley, fronting, adjoining or opposite such lot or fractional lot; and on the acceptance and approval of said report and list by the city council, said amount shall be imposed, levied and assessed as taxes, and shall be a lien upon the property until the payment of the same.

SEC. 128. That after such action on the part of the city council as above provided for, such officer or committee shall give that notice as may be required by ordinance, of said tax being due, and within what time payable, and shall commence forthwith to collect the same. That after the expiration of the period for payment of said tax, said officer or committee shall levy on so much of any property on said list on which said tax has not been paid, as will be sufficient to pay the same, and the same notice of sale as is required in sales for other tax shall be given; and if said tax be not paid before the day of sale, said officer or committee shall sell said property in the name and under the circumstances, and to the extent and subject to the same conditions which are or may be provided by ordinance for the sale of real estate in the city, charged with the payment of taxes imposed by the said corporation; and said officer or committee shall execute a deed to the purchaser at any such sale, and all the provisions of this act in reference to

a deed drawn by the assessor and collector shall apply to the deed provided for in this section.

SEC. 129. That in addition to the power and authority granted to the city council to collect said assessment of taxes, as aforesaid, they shall have the further power and additional remedy of instituting suit in the corporate name in any court having jurisdiction, for the recovery against any owner of property for the amount due for any such work, so made as aforesaid; and the city council shall provide by resolution or ordinance under the provisions of this act for carrying out and executing the powers in this chapter conferred; and may adopt such resolutions and enact such ordinances, and make such regulations as they may deem necessary.

SEC. 130. When it is necessary, such necessity to be determined by the city council, to take private property for opening, widening or altering any public street, avenue or alley, the corporation shall make a just compensation therefor to the person whose property is so taken; if the amount of such compensation cannot be agreed upon, the city council, upon its own motion, or upon the application of the owner whose land has been or is to be taken, shall appoint three disinterested freeholders of the city, who shall appoint a time and place to hear the matter in controversy between the corporation and said owner, to whom reasonable notice shall be given of said time and place; and said freeholders shall, after being sworn faithfully to discharge their duties as appraisers, and after hearing the parties, determine the amount of compensation as aforesaid, and make return of their award to the city council at its next meeting. The rule for ascertaining the amount of such compensation, shall be the intrinsic value of the land taken, without reference to the profit or advantage that he may derive from the opening, widening or altering said street, avenue or alley. The owner of the land so taken, is also entitled to such damages, if any, as are occasioned to the remainder of the tract of which the land taken was a part, by reason of its appropriation for the purpose for which it was taken. In estimating these damages, the benefit and advantage that the remainder of the tract will derive from the opening, widening or altering said street, avenue or alley, are legitimate subjects of consideration, and are to be estimated in determining the true amount of damages that have accrued or will accrue, to the owner by

the appropriation of his property for the purposes for which it is or has been taken. But this does not affect the claim for the intrinsic value of the land taken. The city council by tendering to the owner of the land so appraised, the amount of the award reported by said appraiser, may at once enter upon and appropriate said land to the purpose of opening, widening or altering said street, and so forth.

CHAPTER X—MISCELLANEOUS PROVISIONS.

SEC. 131. Whenever in the opinion of the city council, any building, fence, shed, awning or any erection of any kind or any part thereof, is liable to fall down and endanger persons or property, they may order any owner or agent of the same, or any owner or occupant of the premises on which such building, shed, awning or other erection stands, or to which it is attached, to take down and remove the same or any part thereof, within such time as they may direct, and to punish by fine and imprisonment, or either, any neglect, failure or refusal to comply therewith. The city council shall, in addition, have the power to remove the same at the expense of the city on account of the owner of the property or premises, and assess the expenses on the land on which it stood, or to which it was attached; and shall, by ordinance, provide for such assessment, the mode and manner of giving notice, and the means of recovering any such expenses.

SEC. 132. That writs issued by the mayor or recorder of said city for offenses against the laws, may be executed, and the accused person or persons arrested by the marshal or his deputies anywhere within the county in which such city is situated.

SEC. 133. Whenever any person has been required by the mayor or recorder to give a peace bond, or a bond for good behavior, or any similiar bond under this act, and has complied with such orders, and been guilty of a violation or infraction of such bond, and the same is proved or established to the satisfaction of that officer in any trial or complaint, such party so offending may be fined in the sum of two hundred dollars and imprisonment for two months; and the city in its corporate name may sue in any court having jurisdiction for the recovery of the penalty of such bond.

SEC. 134. The wards of each city accepting the pro-

visions of this act shall be and remain unchanged by its acceptance; *provided*, that the city council shall have power from time to time to cause a division of said city to be made into as many wards as they may deem necessary, and for the good of the inhabitants of said city, and may change the boundaries of the same; but no such division or change shall be made unless it be done at least three months preceding the city election next ensuing, and said wards so established shall contain as far as practicable an equal number of voters.

SEC. 135. In all cases where, by any provision of this act or by ordinance passed in pursuance thereof, a person is required to obtain a license for any calling, occupation, business or avocation, and has, on complaint before the mayor or recorder, been adjudged guilty of violating any rule, regulation or ordinance of the city council in relation thereto, the mayor or recorder, in addition to fine and imprisonment, or either, may suspend or revoke the license so granted.

SEC. 136. The city council shall, as soon as may be, after the commencement of each municipal year, contract as they may, by ordinance or resolution, determine, with a public newspaper of the city as the official paper thereof, and to continue as such until another is elected, and shall cause to be published therein all ordinances, notices and other matters required by this act or by the ordinance of the city to be published.

SEC. 137. The city council shall, at least ten days before the expiration of each municipal year, cause to be published in a city newspaper a correct and full statement of the receipts and expenditures from the date of the last annual report, together with the sources from whence the funds were derived, and showing for what purpose disbursed, the condition of the treasury, together with such information as may be necessary to a full understanding of the financial condition of the city.

SEC. 138. Every ordinance imposing any penalty, fine, imprisonment or forfeiture for violation of its provisions, shall, after the passage thereof, be published in every issue of the official paper for ten days, and proof of such publication by the printer or publisher of such newspaper, taken before any officer authorized to administer oaths, and filed with the secretary, or any other competent proof of such publication, shall be conclusive evidence of the legal publi-

cation and promulgation of such ordinances in all courts ; ordinances passed by the city council and requiring publication shall be in force from and after the publication thereof, unless it be therein otherwise expressly provided ; ordinances not requiring publication shall take effect and be in force from and after their passage, unless it shall be therein otherwise expressly provided.

SEC. 139. All ordinances of the city, where printed and published by authority of the city council, shall be admitted and received in all courts and places without further proof.

SEC. 140. The style of all ordinances shall be, "Be it ordained by the city council of the city of ——" (inserting the name of the city) ; but it may be omitted when published in the form of a book or pamphlet.

SEC. 141. All ordinances, regulations or resolutions in force in any city [accepting], excepting the provisions of this act, and not in conflict with this act, shall remain in force under this act, until altered, amended or repealed by the city council, after this act shall take effect.

SEC. 142. All fines, forfeitures and penalties for the breach or violation of this act, or any regulation, order or ordinance of the city council, shall, when collected, be paid into the city treasury for the use and benefit of said city.

SEC. 143. No person other than an elector, resident of the city, shall be appointed to any office by the city council.

SEC. 144. Resignations by any officer authorized to be elected or appointed by this act shall be made to the city council in writing, subject to their approval and acceptance; *provided*, that nothing in this section shall apply to appointments by the mayor. Any such appointee wishing to resign shall present his resignation to that officer, in writing, for his action.

SEC. 145. The city council shall have power to remove any officer for incompetency, corruption, malconduct or malfeasance in office, after due notice, and an opportunity to be heard in his defense. In addition to the foregoing power of removal, the city council shall have power at any time to remove any officer of the corporation elected by them, by resolution declaratory of its want of confidence in said officer; *provided*, that two-thirds of the aldermen elected vote in favor of said resolution.

SEC. 146. Whenever any person shall be removed from any office, or the term for which he was elected or appointed has expired, or he has resigned, or has ceased to act in his official capacity, he shall deliver over to his successor all books, papers and effects in any way appertaining to his office. Every person violating this provision shall be guilty of a misdemeanor, and shall be deemed an offender within the meaning of any law of the State punishing such offenses, and in addition thereto he shall, on conviction before the mayor or recorder, be fined in a sum not exceeding five hundred dollars, and imprisoned for any time not exceeding six months, or either. Any officer who shall have been intrusted with the collection or custody of funds belonging to said city, who shall be in default to said city, besides being liable to criminal prosecution and a civil action for debt, shall thereafter be incapable of holding any office under said city, until the amount of his defalcation shall have been fully paid to said city, with twelve per cent. interest.

SEC. 147. No member of the city council shall hold any other employment or office under the city government while he is a member of said council, unless herein otherwise provided, and no member of the city council, or any officer of the corporation, shall be directly or indirectly interested in any work, business or contract, the expense, price or consideration of which is paid from the city treasury, or by an assessment levied by an ordinance or resolution of the city council; nor be the surety of any person having a contract, work or business with said city, for the performance of which security may be required, nor be the security on the official bond of any officer of the city.

SEC. 148. The members of the city council, together with the city secretary, shall be exempt from jury service during their term of office. Each alderman shall be fined three dollars for each meeting which he fails to attend, unless on account of his own sickness or that of his family. Any member of the city council remaining absent for three regular consecutive meetings of the board, unless prevented by sickness, without first having obtained leave of absence at a regular meeting, shall be deemed to have vacated his office, and the mayor shall proceed to fill the vacancy in accordance with the charter.

SEC. 149. The city council shall have power to prescribe the duties of all officers and persons appointed by them or

elected to any office or place whatever subject to the provisions of this act, to remit in whole or in part, and on such conditions as may be deemed proper, by a vote of two-thirds of all the members present, any fine or penalty belonging to the city, which may be imposed or incurred under this act, or under any ordinance or resolution passed in pursuance thereof.

SEC. 150. The city council shall, on or before the first day of January next preceding each and every election after the first under this act, fix the salary and fees of office of the mayor to be elected at the next regular election, and shall at the same time establish the compensation or salary to be paid to the officers elected or appointed by the city council, and the compensation or salary so established shall not be changed during the term for which said officers shall be elected or appointed.

SEC. 151. It shall not be necessary in any action, suit or proceeding in which the city, accepting the provisions of this act, shall be a party, for any bond, undertaking or security to be executed in behalf of the city; but all such actions, suits and proceedings, shall be conducted in the same manner as if such bond, undertaking or security had been given, and for all the purposes of such actions, suits and proceedings, the city shall be liable in the same manner, and to the same extent as if the bond, undertaking or security in ordinary cases had been duly given and executed.

SEC. 152. The cemetery lots which have and may hereafter be laid out and sold for said city for private places of burial, shall, with their appurtenances, be forever exempt from taxes, executions, attachments or forced sales.

SEC. 153. All rights, actions, fines, penalties and forfeitures in suits or otherwise, which have accrued under the laws heretofore in force, shall be vested in and prosecuted by the corporation hereby created, and no suit pending shall be effected by the passage and acceptance of this act, but the same shall be prosecuted or defended as the case may be by the corporation hereby created.

SEC. 154. All property, real, personal or mixed, belonging to any city accepting the provisions of this act, is hereby vested in the corporation created by this act, and the officers of said corporation in office at the date of its acceptance shall continue in the same until superceded in conformity with the provisions of this act, from and after it takes effect.

SEC. 155. Whenever a majority of the inhabitants qualified to vote for members of the State Legislature, or any territory adjoining the limits of any city, accepting the provisions of this act, to the extent of one-half mile in width, shall vote in favor of becoming a part of said city, any three of them may make affidavit to the fact, to be filed before the mayor, who shall certify the same to the city council of said city. The said city council may by ordinance receive them as a part of said city; from thenceforth the territory so received shall be a part of said city, and the inhabitants thereof shall be entitled to all the rights and privileges of other citizens, and bonds by the act and ordinances made in conformity thereto and passed in pursuance of this act.

SEC. 156. No indebtedness of any character whatever hereafter incurred by said corporation shall draw a higher rate of interest than ten per cent. per annum.

SEC. 157. The provisions of this act shall not apply to any city within the limits of this State until its acceptance by the city council of such, in accordance with the provisions of section one of this act.

SEC. 158. This act shall take effect and be in force from and after its passage.

Approved March 15th, 1875.

CHAPTER CI.

An Act to make appropriations for the support of the State Government, for the fiscal year beginning September 1, 1875, and ending August 31, 1876.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated, out of any moneys in the State treasury not otherwise appropriated, for the support of the State Government, for the fiscal year beginning September 1, 1875, and ending August 31, 1876:

EXECUTIVE DEPARTMENT.

For salary of Governor, \$5000. For salary of private secretary, \$1800. For salary of clerk, \$1200. For recover-